

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JASON KOKINDA,)	
)	
Plaintiff,)	Civil Action No. 2:16-cv-0005
)	
v.)	United State District Judge
)	Mark R. Hornak
PENNSYLVANIA DEPARTMENT OF)	
CORRECTIONS; RHONDA HOUSE;)	United States Magistrate Judge
SHELLY A. MANKEY; JOHN DOE #1;)	Cynthia Reed Eddy
and JOHN DOE #2,)	
)	
Defendants.)	

MEMORANDUM OPINION

Mark R. Hornak, United States District Judge.

This matter is before the Court on *pro se* Plaintiff Jason Kokinda's objections (ECF No. 19) to the October 31, 2016, Report and Recommendation ("R&R") of Magistrate Judge Cynthia Reed Eddy, (ECF No. 18). The R&R recommends that the Court grant the above-captioned Defendants' Motion to Dismiss for Failure to State a Claim (ECF No. 14) in its entirety and dismiss Plaintiff's Complaint (ECF No. 3) with prejudice.

The R&R sets forth an account of the factual background derived from the allegations of the Complaint. In sum and substance, Plaintiff contends that Defendants' actions of searching his cell in a hostile manner on one occasion violated his civil rights under the First, Eighth, and Fourteenth Amendments of the United States Constitution. He also claims that this conduct violated his rights under 42 U.S.C. §§ 1985 and 1986, and the Americans with Disabilities Act. The R&R analyzed all of these claims and concluded that they are all deficient as a matter of law. Plaintiff was served with the R&R at his listed address and was advised that objections to

the R&R were due fourteen (14) days after service. He timely filed objections to the R&R on November 8, 2016. (ECF No. 19). Defendants did not respond to Plaintiff's objections and their time to do so has expired. Accordingly, the matter is ripe for disposition.

In resolving a party's objections, the Court conducts a *de novo* review of any part of the R&R that has been properly objected to. Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). The Court may accept, reject, or modify the recommended disposition, as well as receive further evidence or return the matter to the magistrate judge with instructions. *Id.* Upon careful *de novo* review of the complaint, the motion to dismiss, the parties' briefs in connection with the motion to dismiss, the R&R, and the objections, the Court concludes that the objections do not undermine the magistrate judge's recommended disposition. Therefore, the Court will overrule Plaintiff's objections and adopt the R&R as the opinion of the Court.

An appropriate Order will issue.



Mark R. Hornak
United States District Judge

Dated: 12/1, 2016

cc: **Jason Kokinda**
(served electronically via CM-ECF at jkoda@jkoda.org)

Timothy Mazzocca
(served electronically via CM-ECF at tmazzocca@attorneygeneral.gov)